

employees because they have three or four employees taking these drugs.

We must fight back for Kyl and his family from Franklin County in central Ohio. Kyl's sister nearly lost her house because of the costs of fighting a series of immune-related diseases. Kyl's father works 50 hours a week in a food service job, with no health care benefits. Yet he has diabetes and heart trouble. Kyl writes that his father had to stop taking medications because he cannot afford the cost.

We are asking them to wait 12 years so that biotech companies can make even more—give them 12 years of monopoly protection.

I want these companies to do well. That is why I support more NIH funding. A lot of these companies get started by using taxpayer dollars for their research. Taxpayer-funded research is a good thing. It means inventions. And biologics are wonderful. I want them to be profitable and to innovate and to have incentive to do that. But 12 years of extra monopoly protection that nobody else in our system has?

We must fight for Laura and her family, from Lake County, OH. She is an 80-year-old mother of two sons who have struggled with serious medical conditions. One son is a brain cancer survivor, who cannot afford medicine or health insurance. He cannot get it because of his preexisting condition. Her other son has battled years of illnesses, mainly rheumatoid arthritis. His existing insurance coverage doesn't cover Remicade, which is the drug I talked about earlier. Remicade costs \$20,000 a year, about \$2,000 a month. If you have some insurance, maybe you can get it for a little less. But this employer wouldn't cover the brandname drug. Laura writes that her sons' health care costs far exceed their ability to pay.

Remember that traditional medicines receive only 5 years of monopoly protection. I am not the only one on the floor who thinks 12 years of unchecked monopoly protection is an irresponsible and inefficient pathway to biologics. President Obama has recognized the need to create an approval process for generic biologics with 7 years of market exclusivity.

Consumer groups, patient safety advocates, insurance companies, labor unions, and medical professionals, and many companies, because they are paying the freight, want a safer and more efficient pathway to generic biologics. They suggest 5 years, as my legislation originally did.

Groups from AARP to Families USA, to the National Organization for Rare Disorders, to the Service Employees International Union, to Blue Cross/Blue Shield have called for 7 years or less of monopoly protection.

The FTC released a report which found that lengthy periods of exclusivity will actually harm patients, diminish innovation, and delay access to affordable generic biologic drugs.

That is the only argument these biologics have, as they spread campaign

contributions around. They lobby the halls of Congress and have spent literally millions already, and it is only July of 2009, but they spend millions of dollars lobbying. The only argument they have is they need 12 years of monopoly protection because, otherwise, they are not going to innovate.

The FTC said if they have 12 years, they will get fat and lazy. They won't innovate for 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, or 11 years, because why innovate if they are getting \$20,000, or \$48,000, or \$100,000 a year for their drug? The FTC explodes the only argument they have.

Interestingly, the FTC study is the only study out there examining this that is not paid for by the industry. The industry studies say one thing; the study paid for by the government and taxpayers, which doesn't have a dog in this hunt, says something very different.

I find myself disagreeing with every issue from Medicare, to trade, to the Iraq war, to everything else. Even the Post today said:

With a name like the Affordable Health Care Choices Act, you would think the Health, Education, Labor, and Pensions Committee this month would have made an effort to provide affordable health choices. But, instead, the bill includes a provision that would create a 12-year market exclusivity period [monopoly protection] for brand name biologic drugs. This would drive costs to consumers above even current levels [like the biotech companies aren't making enough with \$100,000 dollars a year drugs] making the title little more than a mockery.

This is a very important issue. I hope when the health care reform bill comes to the floor, Congress will get involved on behalf of the Americans they serve, the patients and taxpayers, and on behalf of American business.

Let's hope Ohioans from Paulding to Preble, from Montgomery to Morrow, from Gallia to Guernsey—Ohioans suffering from MS, arthritis, Alzheimer's, cancer, diabetes, and Parkinson's—can afford these medicines. Let's hope Congress will shake off, will ignore the pleas from lobbyists and recognize a 12-year monopoly reserved exclusively for biologic manufacturers is more than a bonus—it is a boondoggle.

Let's hope that we in Congress take a stand for fiscal responsibility, for common sense, and for the Americans we serve by ratcheting down the 12-year monopoly sweetheart deal that the big drug companies are peddling.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate

proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING OUR ARMED FORCES

Mrs. BOXER. Mr. President, I wish to pay tribute to CDR Duane G. Wolfe, a sailor from my home State of California who paid the ultimate price in service to our country in Iraq.

Commander Wolfe, of Los Osos, CA, died on May 25, 2009, from injuries suffered when his convoy was hit by a roadside bomb southeast of Fallujah, Iraq.

He is the oldest Californian to have lost his life in either Iraq or Afghanistan to date, electing to continue to serve as a member of the U.S. military despite having the option to retire.

Commander Wolfe enlisted in the Navy in 1972 shortly after graduating high school and served on Active Duty for 5 years. In 1978, he joined the Navy Reserves, where he served until his death. He also worked for 24 years as a civilian employee at Vandenberg Air Force Base, rising to the position of civilian deputy commander for installation support for the 30th Mission Support Group.

As a member of the Navy Reserves, Commander Wolfe deployed to Iraq in December 2008 for a 6-month assignment. He served as the officer in charge of the U.S. Army Corps of Engineers Al Anbar Area Office, leading a team that oversaw nearly \$300 million in construction projects including many that provide essential services to the Iraqi people. He was due to return home on July 10, 2009.

In addition to his military service, Commander Wolfe was a longtime deacon for the Los Osos Church of Christ where he taught Bible classes and occasionally filled in as a substitute preacher. He was a skilled lifelong athlete who loved golfing and playing basketball, and a talented mechanic, with a particular aptitude for both construction and car repair.

At the age of 19, Commander Wolfe met his wife Cindi, to whom he was married for 34 happy years. He and his wife have three children, Carrie, Katie and Evan, who remember their father for his kindness, warmth, and dedication to his family and country.

Commander Wolfe will be posthumously awarded the Bronze Star with "V" Device for Valor, the Purple Heart, the Navy Combat Action Ribbon, the National Defense Service Medal with Service Star, the Iraqi Campaign Medal, the Armed Forces Reserve Medal with "M" Device for Mobilization, and the Overseas Service Ribbon, commemorating his courage and extraordinary sacrifice in service to our country.

Nothing can fully account for the loss suffered by Commander Wolfe's family and all those who loved him.